

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

**UNITED STATES OF AMERICA,
Plaintiff,**

vs.

Case No: 19-CR-1614 JB

**MATEO MAESTAS,
Defendant.**

DEFENDANT'S UNOPPOSED MOTION TO CONTINUE SENTENCING HEARING

COMES NOW, Defendant MATEO MAESTAS, by and through his counsel of record, The Law Office of Ahmad Assed & Associates (Ahmad Assed, Esq., Richard J. Moran, Esq., & Britany Schaffer, Esq.) and hereby respectfully moves the Court for an order continuing the Sentencing Hearing currently scheduled for December 3, 2019 at 3:30 p.m. before the Court (Doc. 35), and associated deadlines by forty-five (45) days. As grounds, Defendant states:

1. On June 12, 2019, an indictment was filed in which Mr. Maestas was charged with Involuntary Manslaughter in violation of 18 U.S.C. §§1153 and 1112 (Doc. 15);
2. On September 5, 2019, Mr. Maestas entered into a plea agreement in this matter (Doc. 32);
3. On September 24, 2019, the Court entered an order in this matter setting a Sentencing Hearing for December 3, 2019 (Doc. 35);
4. On October 1, 2019, a Pre-Sentence Report interview was conducted with Mr. Maestas. At the time of this filing, the Pre-Sentence Report has not yet been received in this matter. Counsel for Defendant submits that insufficient time remains for review of the PSR, to file any objections to the PSR, and to file a sentencing memorandum on behalf of Mr. Maestas before the currently scheduled Sentencing Hearing;

5. Due to the date of the current Sentencing Hearing being in close proximity to the Christmas Holiday season, Mr. Maestas additionally requests that the Sentencing Hearing be continued so that he may spend the holiday season with his family;
6. AUSA Nicholas Marshal was contacted and is unopposed to continuing the Sentencing Hearing and all associated deadlines by forty-five (45) days;
7. Thus, good grounds exist for continuing the Sentencing Hearing and all associated deadlines by forty-five (45) days pursuant to *US v Toombs*, 574 F.3d 1268 (10th Cir. 2009);
8. Pursuant to 18 U.S.C. §3161(h)(7)(A), the Defendant's stated need for a continuance is in the best interests of justice and outweighs the best interests of the public and the Defendant in a speedy trial. Pursuant to 18 U.S.C. §3161(h)(7)(B)(iv), continuing the Sentencing Hearing and all associated deadlines by forty-five (45)) days will allow the reasonable time necessary for the completion of the Pre-Sentence Report; for counsel to review the PSR and to meet with the Defendant in review of the PSR; to determine what, if any, objections need to be filed; and for further effective preparation for sentencing;
9. The parties respectfully request that the Court find, pursuant to 18 U.S.C. §3161(h)(7)(A) that, if the Court grants this motion, all time between the date of the order granting the continuance to the next hearing date be excluded for purposes of the Speedy Trial Act;
10. Based upon a balancing of those considerations, the interests of the parties would not be prejudiced by the continuance. Indeed, the interests of justice would be substantially advanced by continuing sentencing and all associated deadlines for forty-five (45) days for the reasons set forth above;
11. Counsel also respectfully submits that continuing sentencing and all associated deadlines for forty-five (45) days as requested herein is necessary to provide effective assistance of counsel

to Defendant and to provide due process to the Defendant by allowing for completion of the PSR review process.

For the foregoing reasons, the Defendant respectfully requests that the Court enter an Order continuing the Sentencing Hearing currently scheduled for December 3, 2019 at 3:30 p.m. before the Court (Doc. 35) for a period of at least forty-five (45) days and extending all associated deadlines accordingly.

Respectfully Submitted,

/s/ Ahmad Assed

Ahmad Assed & Associates

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Attorney for Mateo Maestas

I HEREBY CERTIFY that a true and correct copy of the foregoing was delivered electronically to parties of record, via the CM/ECF system, on this 6th day of November, 2019.

/s/
Ahmad Assed, Esq.
Attorney at Law